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American Rivers * Coast Alliance * Defenders of Wildlife *
Earthjustice * Environmental Defense * Friends of the Earth *
Humane Society of the United States * League of Conservation Voters *
Marine Conservation Biology Institute * National Audubon Society *
National Environmental Trust * National Parks and Conservation Association *
National Wildlife Federation * Natural Resources Defense Council * Oceana *
Sierra Club * The Ocean Conservancy * Union of Concerned Scientists *
U.S. Public Interest Research Group *

September 4, 2002

President George W. Bush
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President:

We are writing to urge you to reject the position, recently proposed by some members of your Administration, that federal and federally permitted activities occurring in our oceans are exempt from the National Environmental Policy Act (NEPA). This landmark legislation was adopted more than 30 years ago to ensure that federal agencies fully consider the adverse environmental consequences of their actions. Adopting an across-the-board policy, as advocated by some, that NEPA does not apply beyond 3 nautical miles from shore – within the nation's so-called Exclusive Economic Zone (EEZ) – would represent the single greatest rollback of environmental policy for our imperiled oceans *ever*.

The EEZ, which extends 200 nautical miles (370 km) from shore, covers millions of square miles of rich ocean habitat and contains ocean fish, whales, dolphins, sea turtles and a plentitude of other marine life. Coastal communities around the country depend on the health of these resources for their livelihood. Fishermen, both commercial and sport, as well seafood consumers depend on healthy oceans. Beachgoers depend on clean ocean waters free from oil spills and other pollution.

Recognizing this, federal agencies have for decades applied NEPA to activities carried out in the EEZ including fisheries management, offshore oil and gas leasing, subsea pipeline construction, ocean dumping of waste, and other activities that have the potential to harm the health of the oceans. Exempting these activities from NEPA would roll back essential protections at a time when there is *more*, not less, concern for the ocean environment – in light of depleted fish populations, endangered whales and sea turtles, sonar experiments that have led to the mass strandings of whales, increasing ocean “dead zones,” and toxic algal blooms. Indeed, growing concerns about the marine environment recently led to the establishment of two national commissions on ocean policy – the U.S. Commission on Ocean Policy and the Pew Oceans Commission – both of which are expected to provide comprehensive recommendations on needed improvements in ocean policy in the coming year.

Exempting the oceans from NEPA flies in the face of President Reagan's 1983 Proclamation that claimed for the United States “sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living” within the EEZ. Federal

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courts have consistently applied NEPA where the United States has exerted sovereign control. Our sovereign ocean resources, held in the public trust, are entitled to the same level of protection as the other natural resources belonging to the United States and its people. To do less is to put at risk a significant part of our nation's natural and economic heritage.

We understand that this seriously misguided policy proposal seeks to substitute review of activities in the EEZ under NEPA with review under Executive Order 12114. However, this executive order is a poor substitute for NEPA. Under the order, unlike under NEPA, citizens have no right to ensure that agencies follow the law. For example, citizens have no recourse if agencies ignore the Executive Order and fail to consider the environmental impacts of major federal projects or fail to consult with affected citizens and members of the public prior to making key decisions. Limiting opportunities for concerned citizens, coastal states and local governments to participate in decisions about federal projects that affect ocean resources undermines deep-rooted support for greater government accountability and civic involvement.

We call on you to reject this radical proposal so that our vital ocean waters, wildlife, habitats, and resources are protected and public involvement in environmental decision-making is respected.

Sincerely yours,

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John Adams, President
Natural Resources Defense Council

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The Ocean Conservancy

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Philip Clapp, President
National Environmental Trust

Carl Pope, Executive Director
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Buck Parker, Executive Director
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Deb Callahan, President
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